

IN RE: PETITION FOR ZONING VARIANCE
E/S Cradock Lane, 600' S of the
c/l of Greenspring Valley Road
3rd Election District
3rd Councilmanic District
Diversified Cradock Estates
Ltd. Partnership
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-224-A
* Ltd. Partnership
* Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit building separations of 25 feet in lieu of the required 30 feet for Lots 40, 43, 46 through 54, 57 through 61, 64 through 91 and 94 through 96; to permit building separations of 24 feet for Lots 55, 56, 62 and 68; and to permit building separations of 21 feet for Lots 92 and 93; all in lieu of the required 30 feet separation for buildings between 25 feet and 30 feet in height for Cradock Estates, as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Ellwood A. Sinsky, Vice President, D.I.A. Cradock Estates, Inc., a General Partner, and Mark Arisman, Production Manager, Ryland Homes, appeared, testified, and were represented by Robert A. McFarland, Esquire. Also appearing on behalf of the Petition was Sam Shockley with Development Engineering Consultants, Inc. There were no Protestants.

Testimony indicated that the subject property, split zoned D.R. 3.5 and R.C.S., consists of approximately 20.04 acres, more or less, and is located off of Reisterstown Road on Cradock Lane. The property is the site of the proposed Cradock Estates 1 subdivision which is to be developed into 54 lots. Mr. Arisman testified that due to the architectural modifications of the roof structures of the proposed homes, a higher

pitched roof has been developed which will result in building heights of between 25 and 30 feet. Mr. Arisman testified that the interior design of the proposed homes is the same as homes built by Ryland Homes that are 25 feet high. Petitioners testified the variances are being requested at this time to permit potential building lot buyers the ability to choose the model which best meets their particular needs at the time of purchase. Since Petitioners cannot determine which model will be placed on which lot, testimony indicated the variance has been generally requested. Testimony indicated that in many instances, 30-foot side yard setbacks will result. Petitioners indicated the proposed homes are from their "Executive" series and are compatible with the neighborhood and meet present marketing demands. Petitioners argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the public and in fact will be an economic benefit to this development and adjoining communities. Further, Petitioners argued that a denial of the variance will result in practical hardship.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.1.01.2.c.1. TO PERMIT BLDG. SEPARATION OF 25' FOR LOTS NOS. 40, 43, 46 to 54, 57 to 61, 64 to 91, 94 TO 96; AND TO PERMIT BLDG. SEPARATION OF 24' FOR LOTS NOS. 55, 56, 62 & 68; AND TO PERMIT BUILDING SEPARATION OF 21' FOR LOTS NOS. 92 & 93. ALL IN LIEU OF THE REQ'D. 30' SEPARATION FOR BUILDINGS BETWEEN 25' & 30' FOR CRADOCK ESTATES.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1) SMALLER UNITS IN DEVELOPMENT WOULD BE INCONSISTENT WITH ADJACENT PROPERTIES.
- 2) HEIGHT REDUCTION IN PROPOSED UNITS WOULD BE IMPRACTICAL FOR BUILDER MAXIMUM UNIT HEIGHT IS 28.04'.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
THE RYLAND GROUP, INC.
BALTIMORE DIVISION
(Type or Print Name)

Signature: MICHAEL M. BRADSKY, V.P.
DIVISION MANAGER
Address: 1300 YORK RD., SUITE 110
LUTHERVILLE, MD 21092 (301) 821-5311
City and State

Signature: ELLWOOD SINSKY, V.P.
(Type or Print Name)
Address: 2416 VELVET VALLEY WAY (301) 363-0554
OWINGS MILLS, MD 21117
City and State

Attorney for Petitioner:

POWER AND MOSNER
(Type or Print Name)

Signature: THOMAS J. DOLINA
Address: 21 W. SUSQUEHANNA AVENUE
TOWSON, MD 21204
City and State

Attorney's Telephone No.: (301) 823-1250

ORDERED By The Zoning Commission of Baltimore County, this 5th day of Oct. 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of Dec. 1988, at 2 o'clock P.M.

(over)

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of January, 1989 that the Petition for Zoning Variance to permit building separations of 25 feet in lieu of the required 30 feet for Lots 40, 43, 46 through 54, 57 through 61, 64 through 91 and 94 through 96; to permit building separations of 24 feet for Lots 55, 56, 62 and 68; and to permit building separations of 25 feet for Lots 92 and 93; all in lieu of the required 30 feet separation for buildings between 25 feet and 30 feet in height for Cradock Estates, in accordance with Petitioner's Exhibit 1, as modified herein, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not request any other front, rear, and/or side variances for this Development.

Development Engineering Consultants, Inc.
Site Engineers & Surveyors

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE REQUEST

OUTLINE DESCRIPTION OF CRADOCK ESTATES (LOTS 40, 43, 44 & 46 THRU 96 REVISED). LOCATED IN THE THIRD ELECTION DISTRICT OF BALTIMORE COUNTY.

Beginning for the same at a point on Cradock Lane, said point being the Northwestern most corner of the subject site, thence running for the following 24 courses and distances viz: (1) North 88 degrees 42 minutes 26 seconds East, 420.71 feet; (2) South 88 degrees 33 minutes 47 seconds East, 795.07 feet; (3) South 29 degrees 40 minutes 12 seconds East 266.48 feet; (4) South 00 degrees 28 minutes 55 seconds East, 583.42 feet; (5) Due West, 317.82 feet; (6) Due North, 10.00 feet; (7) Due East, 108.46 feet; (8) Due North, 124.00 feet; (9) Due West, 109.45 feet; (10) Along a curve to the right having a radius of 575.00 feet for a length of 33.86 feet; (11) Due West, 50.00 feet; (12) Along a curve to the left having a radius of 525.00 feet for a length of 92.30 feet; (13) South 81 degrees 15 minutes 00 seconds West, 420.32 feet; (14) South 75 degrees 15 minutes 00 seconds West, 251.84 feet; (15) Along a curve to the left having a radius of 640.00 feet for a length of 58.87 feet; (16) South 58 degrees 43 minutes 00 seconds West, 45.62 feet; (17) North 30 degrees 57 minutes 00 seconds West, 12.00 feet; (18) North 34 degrees 11 minutes 00 seconds West, 100.00 feet; (19) North 27 degrees 07 minutes 00 seconds West, 100.00 feet; (20) North 14 degrees 25 minutes 00 seconds West, 100.00 feet; (21) North 09 degrees 54 minutes 40

6603 York Road Baltimore, Maryland 21212 (301) 377-2600

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/20/89
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
887-3353
J. Robert Hines
Zoning Commissioner

January 20, 1989



Robert A. McFarland, Esquire
Fuer & Mosner
21 W. Susquehanna Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S Cradock Lane, 600' S of the c/l of Greenspring Valley Road
3rd Election District - 3rd Councilmanic District
Diversified Cradock Estates Ltd. Partnership - Petitioners
Case No. 89-224-A

Dear Mr. McFarland:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

cc: People's Counsel

File



seconds West, 171.13 feet; (22) North 12 degrees 20 minutes 20 seconds West, 100.00 feet; (23) North 16 degrees 37 minutes 20 seconds West, 100.00 feet; (24) North 22 degrees 15 minutes 40 seconds West, 100.00 feet to the point of beginning.

Containing 20.04 acres of land more or less.

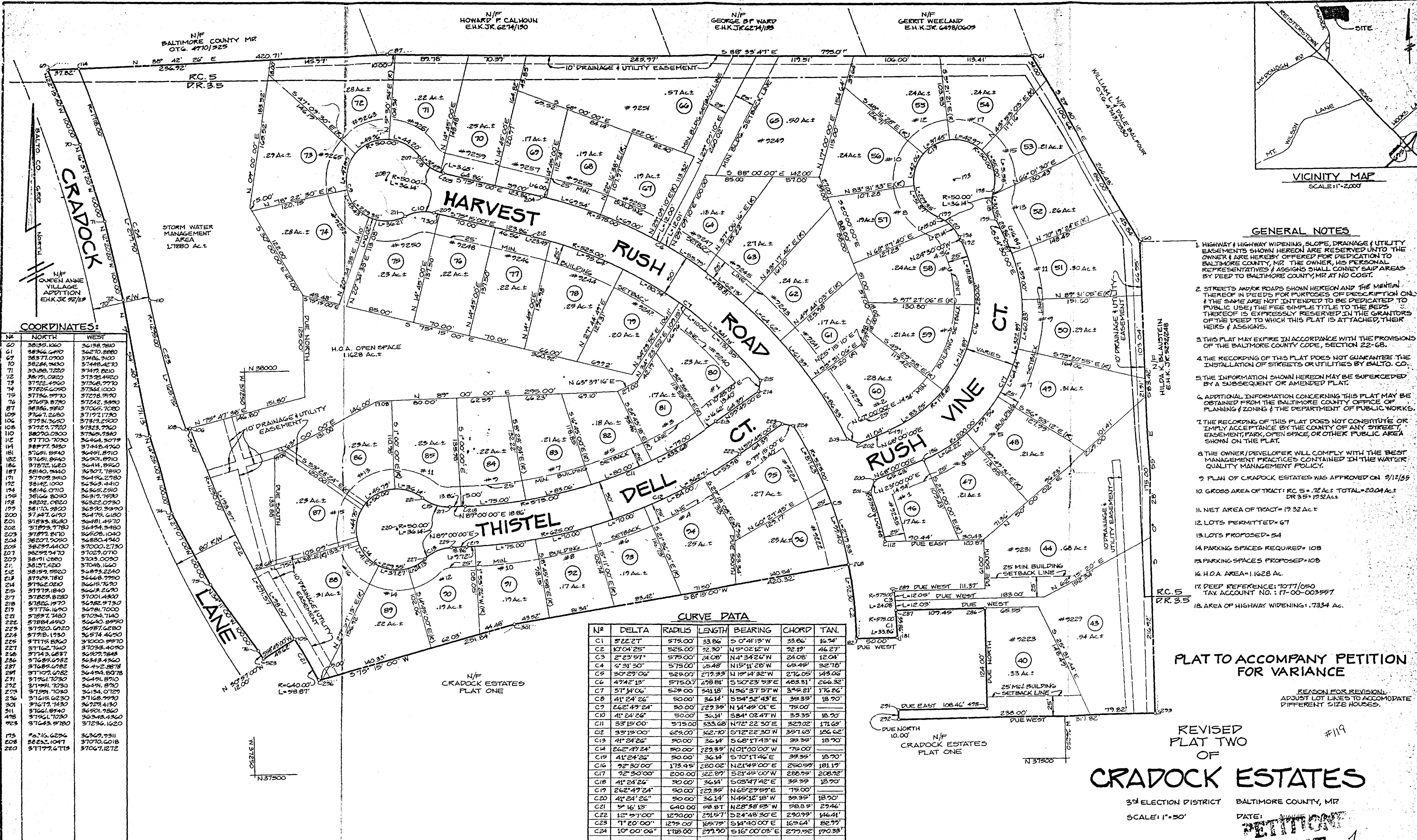
Being the same parcel(s) of land as outlined on "Revised Plat Two of Cradock Estates" to be recorded.

87-172

09-15-88

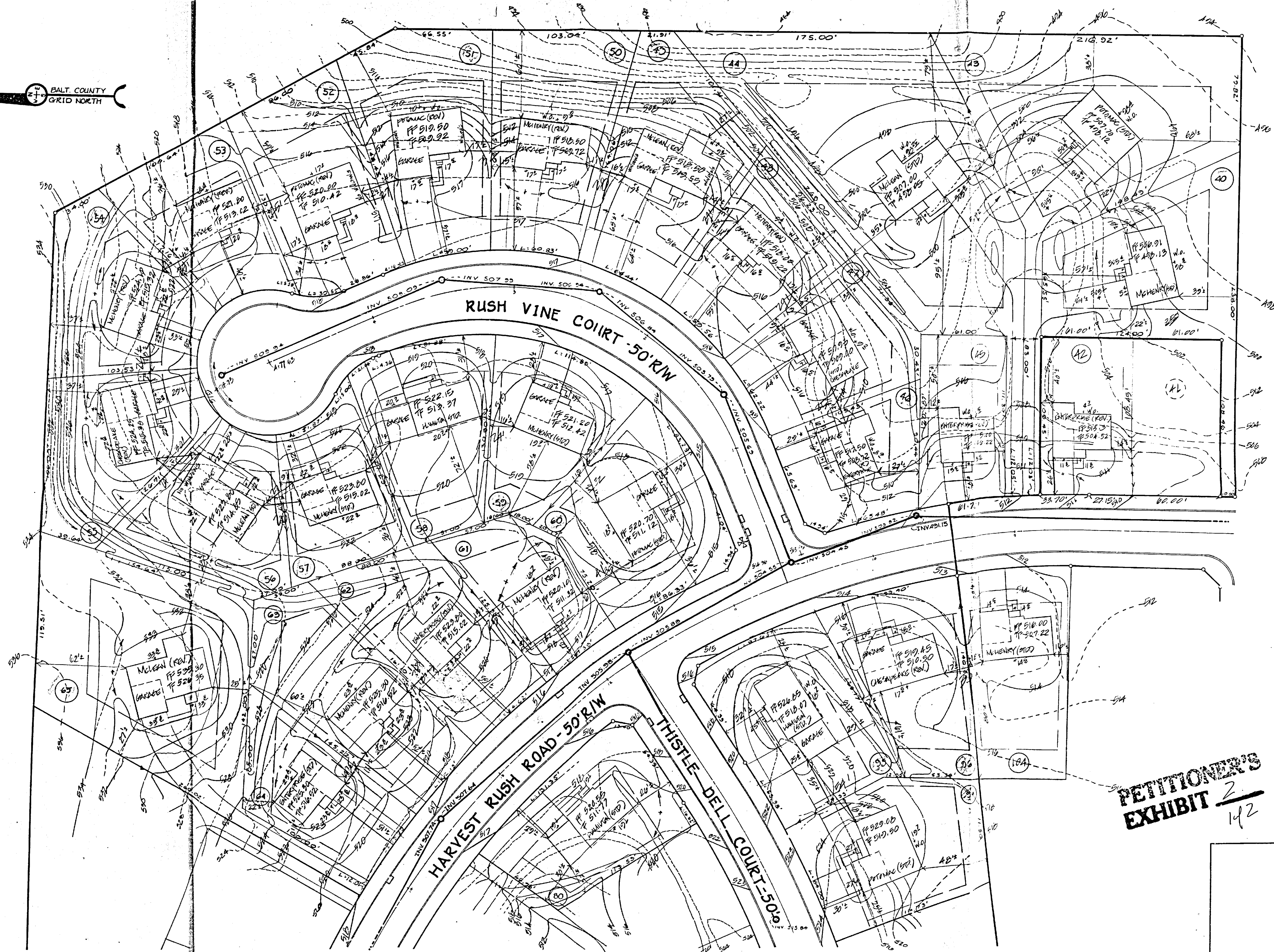
CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: December 23, 1988
Posted for: [Signature]
Petitioner: Diversified Cradock Estates Ltd. Partnership
Location of property: E/S Cradock Lane, 600' S of Greenspring Valley Road
Location of Sign: East side of Cradock Lane, opposite 300' south of Greenspring Valley Road
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1



COORDINATES:

N	E	S	W
60	38155.1260	36138.7810	36270.8880
61	38166.4970	36270.8880	36171.0700
62	38177.8680	36171.0700	36182.4490
63	38189.2390	36182.4490	36193.8200
64	38200.6100	36193.8200	36205.1910
65	38211.9810	36205.1910	36216.5620
66	38223.3520	36216.5620	36227.9330
67	38234.7230	36227.9330	36239.3040
68	38246.0940	36239.3040	36250.6750
69	38257.4650	36250.6750	36262.0460
70	38268.8360	36262.0460	36273.4170
71	38280.2070	36273.4170	36284.7880
72	38291.5780	36284.7880	36296.1590
73	38302.9490	36296.1590	36307.5300
74	38314.3200	36307.5300	36318.9010
75	38325.6910	36318.9010	36330.2720
76	38337.0620	36330.2720	36341.6430
77	38348.4330	36341.6430	36353.0140
78	38359.8040	36353.0140	36364.3850
79	38371.1750	36364.3850	36375.7560
80	38382.5460	36375.7560	36387.1270
81	38393.9170	36387.1270	36398.4980
82	38405.2880	36398.4980	36409.8690
83	38416.6590	36409.8690	36421.2400
84	38428.0300	36421.2400	36432.6110
85	38439.4010	36432.6110	36443.9820
86	38450.7720	36443.9820	36455.3530
87	38462.1430	36455.3530	36466.7240
88	38473.5140	36466.7240	36478.0950
89	38484.8850	36478.0950	36489.4660
90	38496.2560	36489.4660	36500.8370
91	38507.6270	36500.8370	36512.2080
92	38518.9980	36512.2080	36523.5790
93	38530.3690	36523.5790	36534.9500
94	38541.7400	36534.9500	36546.3210
95	38553.1110	36546.3210	36557.6920
96	38564.4820	36557.6920	36569.0630
97	38575.8530	36569.0630	36580.4340
98	38587.2240	36580.4340	36591.8050
99	38598.5950	36591.8050	36603.1760
100	38610.9660	36603.1760	36614.5470
101	38622.3370	36614.5470	36625.9180
102	38633.7080	36625.9180	36637.2890
103	38645.0790	36637.2890	36648.6600
104	38656.4500	36648.6600	36660.0310
105	38667.8210	36660.0310	36671.4020
106	38679.1920	36671.4020	36682.7730
107	38690.5630	36682.7730	36694.1440
108	38701.9340	36694.1440	36705.5150
109	38713.3050	36705.5150	36716.8860
110	38724.6760	36716.8860	36728.2570
111	38736.0470	36728.2570	36739.6280
112	38747.4180	36739.6280	36750.9990
113	38758.7890	36750.9990	36762.3700
114	38770.1600	36762.3700	36773.7410
115	38781.5310	36773.7410	36785.1120
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117	38804.2730	36796.4830	36807.8540
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119	38827.0150	36819.2250	36830.5960
120	38838.3860	36830.5960	36841.9670
121	38849.7570	36841.9670	36853.3380
122	38861.1280	36853.3380	36864.7090
123	38872.4990	36864.7090	36876.0800
124	38883.8700	36876.0800	36887.4510
125	38895.2410	36887.4510	36898.8220
126	38906.6120	36898.8220	36910.1930
127	38917.9830	36910.1930	36921.5640
128	38929.3540	36921.5640	36932.9350
129	38940.7250	36932.9350	36944.3060
130	38952.0960	36944.3060	36955.6770
131	38963.4670	36955.6770	36967.0480
132	38974.8380	36967.0480	36978.4190
133	38986.2090	36978.4190	36989.7900
134	38997.5800	36989.7900	37001.1610
135	39008.9510	37001.1610	37012.5320
136	39020.3220	37012.5320	37023.9030
137	39031.6930	37023.9030	37035.2740
138	39043.0640	37035.2740	37046.6450
139	39054.4350	37046.6450	37058.0160
140	39065.8060	37058.0160	37069.3870
141	39077.1770	37069.3870	37080.7580
142	39088.5480	37080.7580	37092.1290
143	39100.9190	37092.1290	37103.5000
144	39112.2900	37103.5000	37114.8710
145	39123.6610	37114.8710	37126.2420
146	39135.0320	37126.2420	37137.6130
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150	39180.5160	37171.7260	37183.0970
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160	39294.2260	37285.4360	37296.8070
161	39305.5970	37296.8070	37308.1780
162	39316.9680	37308.1780	37319.5490
163	39328.3390	37319.5490	37330.9200
164	39339.7100	37330.9200	37342.2910
165	39351.0810	37342.2910	37353.6620
166	39362.4520	37353.6620	37365.0330
167	39373.8230	37365.0330	37376.4040
168	39385.1940	37376.4040	37387.7750
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176	39476.1620	37467.3620	37478.7330
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194	39680.8400	37672.0400	37683.4110
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200	39749.0660	37740.2660	37751.6370
201	39760.4370	37751.6370	37763.0080
202	39771.8080	37763.0080	37774.3790
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211	39874.1470	37865.3470	37876.7180
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217	39942.3630	37933.5730	37944.9440
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219	39965.1050	37956.3150	37967.6860
220	39976.4760	37967.6860	37979.0570
221	39987.8470	37979.0570	37990.4280
222	39999.2180	37990.4280	38001.7990
223	40010.5890	38001.7990	38013.1700
224	40021.9600	38013.1700	38024.5410
225	40033.3310	38024.5410	38035.9120
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227	40056.0730	38047.2830	38058.6540
228	40067.4440	38058.6540	38070.0250
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230	40090.1860	38081.3960	38092.7670
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232	40112.9280	38104.1380	38115.5090
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235	40147.0410	38138.2510	38149.6220
236	40158.4120	38149.6220	38160.9930
237	40169.7830	38160.9930	38172.3640
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240	40203.8960	38195.1060	38206.4770
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242	40226.6380	38217.8480	38229.2190
243	40238.0090	38229.2190	38240.5900
244	40249.3800	38240.5900	38251.9610
245	40260.7510	38251.9610	38263.3320
246	40272.1220	38263.3320	38274.7030
247	40283.4930	38274.7030	38286.0740
248	40294.8640	38286.0740	38297.4450
249	40306.2350	38297.4450	38308.8160
250	40317.6060	38308.8160	38320.1870
251	40328.9770	38320.1870	38331.5580
252	40340.3480	38331.5580	38342.9290
253	40351.7190	38342.9290	38354.3000
254	40363.0900	38354.3000	38365.6710
255	40374.4610	38365.6710	38377.0420
256	40385.8320	38377.0420	38388.4130
257	40397.2030	38388.4130	38399.7840
258	40408.5740	38399.7840	38411.1550
259	40419.9450	38411.1550	38422.5260
260	40431.3160	38422.5260	38433.8970
261	40442.6870	38433.8970	38445.2680
262	40454.0580	38445.2680	38456.6390
263	40465.4290	38456.6390	38468.0100
264	40476.8000	38468.0100	38479.3810
265	40488.1710	38479.3810	38490.7520
266	40499.5420	38490.7520	38502.1230
267	40510.9130	38502.1230	38513.4940
268	40522.2840	38513.4940	38524.8650
269	40533.6550	38524.8650	38536.2360
270	40545.0260	38536.2360	38547.6070
271	40556.3970	38547.6070	38558.9780
272	40567.7680	38558.9780	38570.3490
273	40579.1390	38570.3490	38581.7200
274	40590.5100	38581.7200	38593.0910
275			



PETITIONER'S
EXHIBIT 2
142

Drawing C.P.P.	DATE	REVISIONS
Check H.J.K.	7-6-88	HAUSES SITED ON LOTS 45 & 104 & 102
Design H.J.K.	7-8-88	GRADING & TPO FOR LOTS 45 & 104 & 102
Check H.J.K.	7-6-88	LOTS 45 & 104 & 102
Check H.J.K.	6-17-88	REMAINING LOTS GRADED

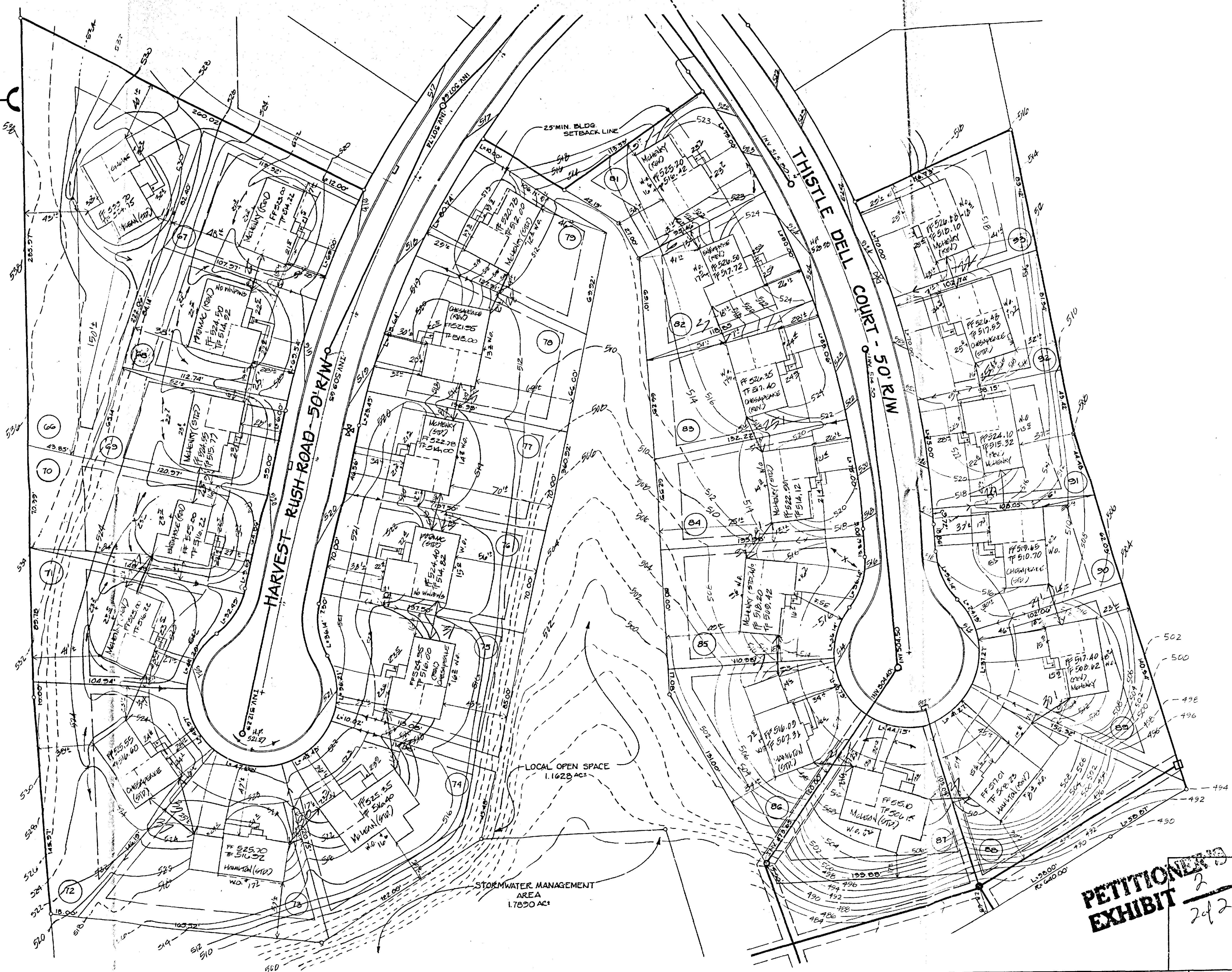
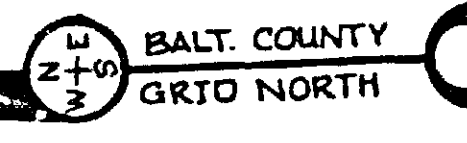
DEVELOPMENT ENGINEERING CONSULTANTS, INC.
BALTIMORE SITE ENGINEERS & SURVEYORS MARYLAND

RYLAND HOMES INC.
1300 YORK RD. SUITE 110
LUTHERVILLE, MARYLAND 21093

MICROFILMED

GRADING PLAN
CRADOCK ESTATES

SHEET	DATE	CONTRACT
1 OF 2	JUNE 2, 1988	NUMBER
	SCALE 1"=30'	27172



**PETITIONER'S
EXHIBIT** 2
242

Drafting C.P.R.	DATE	REVISIONS
Check K.A.M.	7-2-88	LOT 89 REVISOR TO OLD HOUSE WITH DRIVE RIGHT
Design K.A.M.		
Check H.W.K.		

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
BALTIMORE 0013 YORK RD. BALTIMORE, MD 21212 (301-977-2000) MARYLAND

RYLAND HOMES INC.
1300 YORK ROAD SUITE 110
LUTHERVILLE, MARYLAND 21093

GRADING PLAN
CRADICK ESTATES

SHEET	DATE	CONTRACT
2	JUNE 17, 1988	NUMBER
OF	SCALE	
2	1"=30'	88-109